

Exhibit 1

1 - JENNIFER BURDIS -

2 just let me know.

3 A. If you could read it out again, that
4 would be helpful.

5 Q. Sure. "As of October 2019, all
6 interviews scheduled will be assigned a proposed
7 level." Do you see that?

8 A. I do, yes.

9 Q. So at the time that you were
10 recruiting the technical directors, you were not
11 required to assign an initial level before the
12 interviews; is that correct?

13 MR. GAGE: Objection.

14 A. I don't recall if there was
15 guidelines prior to this document coming out.

16 Q. Okay. Do you recall the policy
17 changing at any point?

18 A. I do not.

19 Q. Okay. You can put that aside.

17 20 I'm going to be the adding another
21 document into the Box. This is going to be Tab
22 164 and we're going to mark this as Exhibit 137.
23 Do you have that up?

24 A. I'm just refreshing.

25 Yes, I have it up.

Def. Obj.
37:20-38:7
FRE 401
(relevance)
FRE 403
(prejudice)
FRE 602
(lacks foundation)

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2 Q. Okay. Have you seen this document
3 before?

4 Oh, sorry, one second. Before you
5 answer that, we're going to be marking this as
6 Exhibit 137. This document has the Bates stamp
7 GOOG-ROWE-00052153.

8 (Whereupon, Exhibit 137 was marked at
9 this time.)

18 10 Q. Have you seen this document before?

11 A. No.

12 Q. Okay. Do you understand that this
13 document relates to leveling at Google?

14 MR. GAGE: Objection.

15 A. I would assume based on the title.

16 Q. Okay. So looking at the first
17 paragraph it says, "A level refers to the scope
18 and complexities within a role and is defined by
19 the knowledge, skills, and abilities that a
20 Googler needs to perform well."

21 Was this your understanding of a
22 level at the time that you were hiring for the
23 technical director role?

24 A. Would you mind repeating those few
25 lines?

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Q. Sure. Are you not able to see it even if you zoom in?

A. No, it's a blur. I mean, I could -- if I really looked hard I could probably muddle through but, I mean, I wouldn't want to get any words wrong if that would be possible.

Q. Have you zoomed into like the largest zoom?

A. I have. Let's see.

Oh, here we go, I'm using the actual zoom function rather than my computer thing.

Q. Yes, yes. That would --

A. That is better. So, sorry, which paragraph were you reading?

Q. In the first paragraph, the second line, "A level refers to the scope and complexity within a role and is defined by the knowledge, skills, and abilities that a Googler needs to perform well."

Def. Obj.
39:16-40:8
FRE 401
(relevance)
FRE 403
(prejudice)
FRE 602
(lacks foundation)

So my question is: At the time that you were recruiting for the technical director role, was your understanding that the level referred to the scope and complexity of the role?

A. Yes.

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2 Q. And at the time that you were
3 recruiting for the technical director position,
4 was your understanding that the level was defined
5 by "the knowledge, skills, and abilities that a
6 Googler needs to perform well"?

7 A. There are a number of factors
8 considered, yes.

9 Q. Factors aside from the ones mentioned
10 here?

11 A. Mentioned previously when I explained
12 what we consider when we look at level.

13 Q. Okay. So -- but can you repeat what
14 else in addition to what's written here would
15 be --

16 MR. GAGE: Objection. I'm sorry.

17 Q. -- defining the level?

18 MR. GAGE: Objection, asked and
19 answered.

20 THE WITNESS: Sorry. I missed what
21 you said, Ken. Did you ask me not to answer?

22 MR. GAGE: Generally, no. I just
23 said "objection." You can go ahead and
24 answer if you understand the question.

25 THE WITNESS: Okay.

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2 decision-making and it wouldn't -- that wouldn't
3 sway things either way.

22 4 Q. Okay. So going down on the same
5 document to the first bullet point it says
6 "Consistent evaluation for all candidates," do you
7 see that?

8 A. I do.

9 Q. So it says that, "We assess
10 candidates against structured rubrics during the
11 interview process to ensure consistency and reduce
12 bias when evaluating candidates." So was that
13 true at the time that you were recruiting for the
14 technical director's role?

15 A. Just give me a second.

16 Yes.

17 Q. Okay, and which rubrics did you use?

18 A. I don't recall specific documents or
19 names of documents, but there will be a rubrics
20 that speaks to the Level 8 process and Level 9
21 process.

22 Q. Okay. So if you had assessed an
23 individual at a Level 8 prior to their interview,
24 that individual would be assessed according to the
25 Level 8 rubric?

Def. Obj.
42:4-44:3
FRE 401
(relevance)
FRE 403
(prejudice)
FRE 602
(lacks foundation)

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2 Q. So prior to your interview on October
3 2nd, 2018, had ER contacted you?

4 A. Purely to schedule time with me to
5 talk in person.

6 Q. Okay, and prior to this interview
7 with ER, did you have any conversations with
8 anyone else regarding Ms. Rowe's leveling
9 concerns?

10 A. No.

11 Q. Okay. So if you scroll to Page 2,
12 the first kind of big bullet point says "OCTO"
13 with a question mark and so: Do you recall
14 telling ER that the main bulk of the hiring you
15 did was for the Technical Solutions Consultant L 8
16 and L 9 positions?

17 A. Yes.

18 THE REPORTER: Did you say something,
19 Mr. Gage?

20 MR. GAGE: I didn't articulate a
21 word. It was more a sound because I couldn't
22 find what she was referring to, but go ahead.

23 MS. GELFAND: Okay, I'm on the second
24 page of in the beginning --

25 MR. GAGE: I was looking for the word

Def. Obj.
93:11-17
FRE 801 and 802
(hearsay)

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2 "bulk." I didn't see it.

3 MS. GELFAND: Okay.

4 MR. GAGE: Oh, there it is. I'm
5 sorry, go ahead.

6 MS. GELFAND: No problem.

38 7 Q. Do you recall telling ER that some of
8 the candidates that had come in got down-leveled
9 to a Level 7?

Def. Obj.
94:7-12
FRE 801 and 802
(hearsay)

10 A. I don't recall the exact conversation
11 verbatim, but what is written here certainly rings
12 true to likely how the conversation went, yes.

13 Q. Okay. So who were the individuals
14 that had been down-leveled to a Level 7?

15 A. I only remember one individual that
16 was hired into OCTO at Level 7 and her name is Jen
17 Bennett.

18 Q. And do you recall why she got
19 down-leveled?

20 A. She didn't meet the criteria of the
21 Level 8.

22 Q. And what was the criteria for the
23 Level 8 that she didn't meet?

24 A. I would need to refresh my memory of
25 Jen's profile. I don't remember it specific

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2 enough to speak to those factors.

3 Q. Okay. Do you recall generally what

4 the criteria was for most Level 8s?

5 A. I mean, outside of what I previously

6 explained in relation to the factors that we

7 consider when assessing level, number of years

8 experience play a part and relevant work

9 experience in a candidate's work history plays a

10 part. For the office of the CTO specifically, the

11 industry vertical where the candidate is a

12 specialist and an expert would also play a part.

13 So the previous roles held also would play a part.

14 Q. Okay, and then if you scroll

15 down -- well, not too far down. It's actually the

16 next line. Do -- did you tell ER that the same

17 leveling factors are used across the board in

18 staffing?

19 A. I don't recall saying that

20 specifically. There are similarities when

21 assessing levels for candidates across the board,

22 but they are guideline-based; and there may be

23 some nuances when looking at certain job families

24 or job ladders that might differ from one to the

25 other.

Def. Obj.
95:14-25
FRE 801 and 802
(hearsay)

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2 Q. So were the same factors considered
3 for Levels 8 and 9?

4 A. Yes.

5 Q. Okay, and was there anything
6 that -- any document that outlined what made
7 someone a Level 8 technical director versus a
8 Level 9 technical director?

9 MR. GAGE: Objection.

10 A. I don't recall anything specific
11 being documented at that time.

12 Q. So was leveling then based on the
13 subjective assessment of the hiring manager?

14 MR. GAGE: Objection.

15 A. I didn't hear if you said objective
16 or subjective.

17 Q. I said "subjective."

18 A. You would need to ask Will, as the
19 hiring manager.

20 Q. So you don't know?

21 A. I don't know.

39 22 Q. Okay. Do you recall telling ER that
23 you felt at Google there was a ton of gray areas
24 between the levels?

25 A. I'm sorry, you're cutting out. I can

Def. Obj.
96:22-97:9
FRE 801 and 802
(hearsay)

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2 only hear every other word.

3 Q. Do you recall telling ER that you
4 felt at Google there was a ton of gray areas
5 between the levels?

6 A. I don't recall using those exact
7 words. I think I would likely refer to what I've
8 mentioned before about the assessment criteria
9 being guideline-based.

10 Q. Okay. Do you recall telling ER that
11 Ms. Rowe put up a huge fight when it came to comp?

12 A. That sounds like something I would
13 have said to them -- said to them, yes.

14 Q. And were you -- when you said that
15 Ms. Rowe put up a huge fight when it came to comp,
16 are you referring to the e-mails we had looked at
17 earlier?

18 MR. GAGE: Objection.

19 A. I can't recall what I was referring
20 to specifically, but my assumption is it would
21 have been based on e-mail communication and
22 telephone conversations and in-person
23 conversations with Ulku.

24 Q. Do you believe these notes are
25 inaccurate in any way?